

P24855.TD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Silke KOHLHASE et al.

Confirmation No. 6657

Group Art Unit: 1609

Serial No. : 10/759,160

Examiner: Jean-Louis, Samira

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For : PEARLESCENT COSMETIC OR DERMATOLOGICAL FORMULATIONS

TERMINAL DISCLAIMER

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Your petitioner, **BEIERSDORF AG**, a corporation organized and existing under the laws of Germany, whose business address is Unnastrasse 48, D-20245 Hamburg, GERMANY, represents that it is the owner of record of the entire right, title and interest of the above-identified application by virtue of an assignment recorded in the U.S. Patent and Trademark Office on May 11, 2004 at Reel 015313, Frame 0607, and of U.S. Patent Application No. 10/759,254, by virtue of an assignment recorded in the U.S. Patent and Trademark Office on May 11, 2004 at Reel 015313, Frame 0623.

The undersigned representative is authorized to act on behalf of the assignee, and it is certified that to the best of the undersigned's knowledge and belief, title is in the assignee.

Your petitioner, **BEIERSDORF AG**, hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application which would extend

beyond the expiration date of any patent granted on U.S. Patent Application No. 10/759,254, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent granted on U.S. Patent Application No. 10/759,254, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.


Petitioner does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 as presently shortened by any terminal disclaimer of any patent granted on U.S. Patent Application No. 10/759,254 in the event that any patent granted on this application later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the failure of common ownership stated above.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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Respectfully submitted,
BEIERSDORF AG

By



Name: Dr. Jost Hartmann

Senior Patent Counsel

Title

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